



GORMAN

LEARNING CENTER

DOCKET FILE COPY ORIGINAL

Bringing Academic Excellence Home!

Date: November 3, 2004

To: Federal Commissions Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

RECEIVED & INSPECTED

NOV 8 - 2004

FCC - MAILROOM

Re: CC Docket No. 02-6

To Whom It May Concern:

This is an appeal on behalf of Lifeline Education Charter School (Billed Entity Number 233779) to the decision on the appeal from the Schools and Library Division dated October 25, 2004 (Please see Exhibit A).

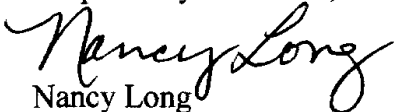
This appeal request is based upon the miscommunication from a service provider that only pages 11 and 12 of the Form 470 needed to be submitted to Schools and Library Services within the window of January 7, 2004. The Form 470 was electronically submitted the following morning after discovering it had not been sent when the signature pages were mailed on January 7, 2004. This in turn affected the timing of the allowable contracting date in which the Form 471 could be filed.

In the Letter of Appeal (Exhibit B) to the SLD Funding Year 2004 Form 471 Postmarked Out of Window Letter (Exhibit C) I tried to explicate the relevant facts.

I would like to bring this to your attention that Lifeline Education Charter School has a very high population that receives free and reduced lunch. If you have any questions or concerns that I may clarify for you please call me at 909-307-6312.

I look forward to your decision in this matter.

Respectfully submitted,



Nancy Long
Business Services Specialist
nlong@gormanlc.com

Enclosures:

Exhibit A
Exhibit B
Exhibit C

No. of Copies rec'd
List ABCDE

0



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2004-2005

October 25, 2004

Nancy Long
Gorman Learning Center
1902 Orange Tree Lane, Suite 170
Redlands, CA 92374

Re: Applicant Name: Life Line Charter School
 Billed Entity Number: 233779
 Form 471 Application Number: 433523
 Funding Request Number(s): 1207277, 1207278, 1207305
 Your Correspondence Dated: July 8, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision regarding your appeal of the SLD's Funding Year 2004 Form 471 Postmarked Outside of Window Letter for the application number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one application number, please note that for each application an appeal is submitted, a separate letter is sent.

Funding Request Number: 1207277, 1207278, 1207305
Decision on Appeal: **Denied in full**
Explanation:

- On appeal, you seek reversal of the SLD's decision to certify Form 471: 433523 outside the Funding Year 2004 filing window. In support of your request, you state that the Form 471 certification was submitted after the close of the filing window deadline due to miscommunication from a service provider. You state that the applicant was told by the provider to submit pages 11 and 12 of the Form 470 by January 7, 2004. On January 8, 2004, you contacted the applicant to verify that the Form 470 application was submitted online, and the applicant responded that it was not because of the provider instructions noted above. The Form 470 was subsequently filed online on January 8, 2004.
- Upon thorough review of the appeal letter and the relevant facts, we find that you failed to submit your Form 471 and certification for these funding requests prior

to the close of the Funding Year 2004 window on February 4, 2004. You have not provided proof of mailing for the Form 471 documentation. It was determined that the Form 471 and certification was postmarked on February 5, 2004, which is outside the filing window for Funding Year 2004. It is the responsibility of the applicant to ensure that all Forms are submitted to SLD in a timely and correct manner.

- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. *See Request for Review by Alpine County Unified School District, et. al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 ¶ 5 (rel. Jan. 14, 2002). This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification.
- SLD denied your funding requests because it determined that your Form 471 Certification was not postmarked on or before the close of the filing window on February 4, 2004 at 11:59 p.m. EST. You have failed to demonstrate that the Form 471 Certification was postmarked within the Funding Year 2004 filing window. Consequently, your appeal is denied.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission ("FCC"). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Waldo Burford
Life Line Charter School
357 East Palmer Street
Compton, CA 90221



GORMAN

LEARNING CENTER

Bringing Academic Excellence Home!

July 8, 2004

Letter of Appeal
Schools and Libraries Division
Box 125 — Correspondence Unit
80 South Jefferson Road
Whippany, New Jersey 07981

Re: Form 471 Application Number: 433523

To Whom It May Concern:

This is an appeal to the Funding Year 2004 Form 471, Out of Window letter dated June 14, 2004 for Lifeline Education Charter School (Billed Entity Number 233779).

This request is based on the paperwork being submitted within 24 hours of the window closing due to miscommunication from a service provider. They told the person filling out the Form 470 that she needed to fill out pages 11 and 12 and submit them by January 7, 2004. The pages were completed and forwarded to be signed by the authorized person. These were put into the mail on January 7, 2004 as required for application to SLD (see attached).

The morning of January 8, 2004, I called to verify she had submitted the application online, she had not. She stated that the service provider had told her she only needed to do pages 11 and 12. I asked her to immediately submit the Form 470, which she did online that morning. It was received by SLD on January 8, 2004.

The above circumstances affected the timing of the allowable contracting date for Form 471 for which we received your letter.

Discounted services provided through SLD are greatly needed for Lifeline Education Charter School. This school has a very high free and reduced lunch population.

If you need any further information to process the appeal, please contact me at 909-307-6312 or I can be reached by fax at 909-793-5964.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy Long".

Nancy Long
Business Services Specialist
nlong@gormanlc.com

Entity Number 233779 Applicant's Form Identifier 2004 LSE 470
 Contact Person Waldo Burford Contact Telephone Number 909-307-6312

Block 5: Certification and Signature

- 19 The applicant includes: (Check one or both.)
 a ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
 b libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).
- 20 All of the individual schools, libraries, and library consortia receiving services under this application are covered by:
 a ☒ individual technology plans for using the services requested in the application; and/or
 b higher-level technology plans for using the services requested in the application; or
 c no technology plan needed; application requests basic local and/or long distance telephone service only.
- 21 Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):
 a ☒ technology plan(s) has/have been approved by a state or other authorized body.
 b technology plan(s) will be approved by a state or other authorized body.
 c no technology plan needed; application requests basic local and/or long distance telephone service only.
- 22 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.
- 23 I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.
- 24 I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25 Signature of authorized person Waldo Burford 26 Date 11/7/09

27 Printed name of authorized person Waldo Burford

28 Title or position of authorized person Executive Director

29a Street Address, P.O. Box, or Route Number
1902 Orange Tree Lane

City Redlands

State CA Zip Code 92374

29b Telephone number of authorized person 909-307-6312 ext. 29c Fax number of authorized person 909-793-5964

29d E-mail address of authorized person

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the "Service Provider Role in Assisting Customers" at www.sl.universalservice.org/vendor/manual/chapter5.doc or call the Client Service Bureau at 1-888-203-8100.



Entity Number 233779 Applicant's Form Identifier 2004LISE470
Contact Person Waldo Burford Contact Telephone Number (909)307-6312

Block 5: Certification and Signature (Continued)

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

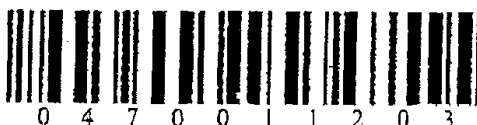
Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 470
P.O. Box 7026
Lawrence, Kansas 66044-7026
1-888-203-8100

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD-Form 470
c/o Ms. Smith
3833 Greenway Drive
Lawrence, Kansas 66046
1-888-203-8100





Universal Service Administrative Company
Schools & Libraries Division

**FUNDING YEAR 2004 FORM 471
POSTMARKED OUTSIDE OF WINDOW**

June 14, 2004

Waldo Burford
LIFE LINE CHARTER SCHOOL
1902 Orange Tree Lane
Suite 170
Redlands, CA 92374

Re: Applicant's Form Identifier: N/A
Form 471 Application Number: 433523

Dear Waldo Burford:

We are sending this letter to thank you for your recent Form 471 application. Your Form 471 application was postmarked on 02/05/2004, which is AFTER the 2004-2005 filing window closed at 11:59 p.m. EST on Wednesday, February 4, 2004.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the SLD web site at www.sl.universalservice.org once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of 2004-2005 applications, about funding for applications filed after the close of the filing window or about plans for the 2005-2006 application process, please visit our web site or call the Client Service Bureau at 1-888-203-8100.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Out of Window Letter you are appealing. Indicate the relevant funding year and the date of the letter. Your letter of appeal must also include the Billed Entity name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.
3. When explaining your appeal, include the precise text from the letter that is at the heart of your appeal to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.

4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure," posted in the Reference Area of the SLD web site or by calling the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company